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A-S

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/989,507 12/12/97 BRIES

J 53691USABA

IM22/0925

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EXAMINER

AHMAD, N

ART UNIT

PAPER NUMBER

1772

17

DATE MAILED:

09/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/989,507

Applicant(s)
Bries et al.

Examiner
Nasser Ahmad

Group Art Unit
1772



☒ Responsive to communication(s) filed on Jun 7, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 41-43, and 45-53 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 41-43, and 45-53 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The request filed on June 7, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/989,507 is acceptable and a CPA has been established. An action on the CPA follows.

2. The indicated allowability of some of the claims in the last Office Action, mailed March 21, 2000 is being withdrawn in view of the following new ^{grounds}~~groups~~ of rejection.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 41-43, 46-49 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamerski (5,507,464).

Hamerski relates to an adhesive comprising a stretchable first backing layer having first and second major surfaces, a non-adhesive manually engageable tab~~le~~ proton at one end to facilitate stretching said backing layer, an adhesive surface over at least a portion of the first major surface of the backing and a base member is adhered to the second major surface of the backing. As shown in figure - 6, the base member is engaged with a support member. In col. 4, lines 43-49, Hamerski teaches that the support member can be magnets, hook - and - loop fasteners, etc.

Further, the backing layer exhibits an elongation of 748 percent (see Example 1).

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The hook - and - loop fasteners comprises an array of elements distributed over the surface to form a separable connector and having a plurality of interengaging elements, interlocking material, or intermeshing material.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 41-43, 45-49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski.

Hamerski, as discussed above, fails to teach that the separable connector is located between two stretchable backing layers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for the second stretchable backing layer because a hook - and - loop connector system is conventionally provided on separate adjacent backing layers. Providing a second backing layer is found to be mere duplication of the essential working parts of a device and it involves only routine skill in the art.

8. Claims 1, 41-43, 45-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski in view of Langford (6,004,642).

Hamerski, as discussed above, fails to teach that a second backing layer with outer adhesive surface is separably connected to the first backing layer. Langford discloses an

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adhesive tape comprising two separably connected stretchable backing layer and the second backing layer is provided with an outer adhesive surface for bonding to an object.

9. Claims 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamerski.

Hamerski, as discussed above, teaches the use of hook - and - loop, magnetic and other such structures to function as a separable connect. However, Hamerski expressly fails to state that such separable connect can be low - tack or contact responsive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide low-tack or contact responsive adhesive as other such structures to function as separable connector that is not destroyed. Since their use as separable connector is known in the adhesive art, the selection of any of these known low-tack or contact responsive adhesive which are functional equivalents to hook - and - loop or magnetic separable connectors would be within the level of ordinary skill in the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-424. The examiner can normally be reached on Monday - Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ellis Robinson, can be reached on (703) 308-02364. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

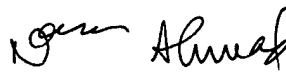
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Nasser Ahmad/om
September 21, 2000


NASSER AHMAD
PRIMARY EXAMINER
~~GROUP 1300~~
TC-1700